

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LESA A. SHOUP, R.N. REINSTATEMENT APPLICANT
License No.: 0001-134166

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 16, 2013, in Henrico County, Virginia, to receive and act upon Lesa A. Shoup's application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Shoup may have violated certain laws governing nursing practice in Virginia. The case was presented by Anne G. Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Shoup was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Lesa A. Shoup was issued License No. 0001-134166 to practice professional nursing in Virginia on September 15, 1993. Said license was suspended pursuant to § 54.1-2409 of the Code by the Virginia Department of Health Professions on January 26, 2011. Her primary state of residence is Virginia.
2. Ms. Shoup submitted an application for reinstatement of her license which was received by the Board on June 25, 2013.
3. On July 22, 2010, in the Circuit Court of King William County, Virginia, Ms. Shoup was convicted of two felony charges of attempted malicious wounding. These convictions formed the basis of the mandatory suspension of her professional nursing license by the Department of Health Professions.

4. As a condition of her ongoing employment with VCU, Ms. Shoup signed a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP," formerly, the Health Practitioners' Intervention Program) on June 1, 2006, in which she "recognize[d] [her] impairment resulting from the use of addicting drugs." Ms. Shoup was dismissed from the HPMP in December 2010 due to her inability to participate as a result of her incarceration.

5. Ms. Shoup's employment with Bon Secours Memorial Regional Medical Center, Mechanicsville, Virginia, was terminated in November 2008 for sleeping on duty.

6. Ms. Shoup was hospitalized on October 15, 2009, following a suicide attempt by taking multiple substances including Lantus insulin, Effexor, and Tramadol.

7. Ms. Shoup stated that she did not recall attempting suicide and only knows that when she woke up she was told that she had attempted to commit suicide. She believes she does not remember anything from that evening due to fear of the people involved in the situation. She stated that the activity had nothing to do with her job and was a domestic relations issue. Ms. Shoup testified that she is currently under supervised probation for the attempted malicious wounding conviction. Ms. Shoup also testified that she is subject to random drug screens for this probation period.

8. Ms. Shoup testified that she would have maintained compliance with the Health Practitioners' Monitoring Program if she had not been incarcerated.

9. She testified she has no chemical dependence. According to the Health Practitioners' Monitoring Program Monitoring Program Committee Report, she did not meet the DSM-IV criteria for a diagnosis of Cannabis Dependence and Opioid Dependence.

10. Ms. Shoup testified that she has never been impaired nor had her ability to practice be compromised. She stated that she is not in treatment at this time and that she is on no medication.

11. Ms. Shoup testified that she has not practiced nursing since July 20, 2010. She stated that she has attempted to stay current with the practice of nursing by reading magazine articles and answering questions on

an application on her phone. She also supplied written documentation that she completed the required continuing education units.

12. Ms. Shoup stated that she has a large support system, including a group of friends and her family.

13. Ms. Shoup presented four character witnesses who testified that they have never seen her exhibit chemical dependency or an inability to practice nursing. She also supplied three letters of support.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Finding of Fact Nos. 4-6 constitute a violation of § 54.1-3007(6) of the Code.
3. Ms. Shoup has demonstrated that she is able to resume the safe and competent practice of nursing.

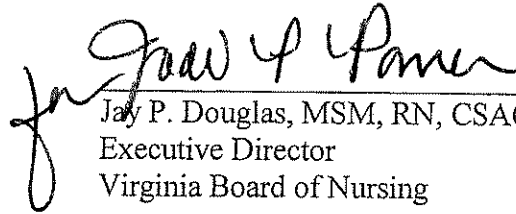
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-134166 issued to Lesa A. Shoup to practice professional nursing in the Commonwealth of Virginia is REINSTATED without restriction.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD




Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

September 27, 2013
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy
By 

Virginia Board of Nursing